

REMARKS

Claims 1-3 and 5-34 are pending in this application. Claims 1, 6, 10, 13, 18, 20-22, 24-27, and 33 have been amended, and claim 4 has been canceled, without prejudice. In view of the amendments to the claims and the remarks below, Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

The Abstract has been amended, as suggested by the Examiner, to remove language such as “means” and to remove references to figure numerals.

Claims 1-34 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration is respectfully requested.

The claims have been amended to correct the issues identified by the Office Action in points 1-3 and 5-25 of the § 112 rejection. As to point 4, Applicant respectfully submits that the recitation of “the strike head” at line 8 of claim 1 has antecedent basis in the recitation of “a strike head” at line 4. Regarding point 17, Applicant has amended the claim to remove the numeral (10). Applicant notes, however, that the recited “burrs or shavings” are a specific example of a projecting part (10). In view of the amendments to the claims, Applicant respectfully requests that the rejection be withdrawn.

Claims 1-16 and 18-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,476,010 to Markey (“Markey”). The rejection is respectfully traversed.

Claim 1 describes a screw that includes a base body having “an elongated shank (3) having a longitudinal axis (L),” and a “support element (7) manufactured separately from the base body” that forms a cavity between the element and the shank. Importantly, claim 1 has been amended to recite that the “support element (7) and the base body (2) are coupled such that they rotate together around the longitudinal axis (L).” In other words, they are coupled such that they do not rotate independently. For example, as illustrated in FIGS. 1 and 2 and described at page 6, lines

4-9 of the specification, the support element may have a polygonal impression (8) that engages the (polygonal) strike head 4. Accordingly, as described in the claim, the support element (7) would not rotate independently from the base body (2), since they are “coupled such that they rotate together around the longitudinal axis (L).”

This is an important feature of claim 1, as it is one of the features that provides a major advantage over the existing connection methods described in the specification. With traditional screws that are used for these specific connections, it is necessary to use a washer that will form an open end, so that pressure produced by the screw is transferred directly onto the track while avoiding negatively influencing the electrical connection. Such a washer, however, will rotate and will cause the head and/or nut end to rotate when using a wrench at only one end. Thus, for those screws, it would be necessary to use two wrenches, one at either end, to tighten the nut. The use of a support element (7) that rotates together with the base body (2), however, solves this problem because the washer will not rotate independently. With a fixed support element (7), from the instant in which the support element frictionally engages the track, the strike head is also rotatably locked. *See Specification at p. 6, ll. 4-9.*

Markey does not describe a screw with a support element manufactured separately from the base body and forming a stroke that defines a cavity turned toward the shank “in which the support element (7) and the base body (2) are coupled such that they rotate together around the longitudinal axis (L).” Markey discloses a screw with a washer 6 (or collar 34) having an upturned rim 7. Markey at col. 2, ll. 13-19; col. 3, ll. 68-73; FIGS 1, 6. The circular shape of the screw shank and the washer 6 (or collar 34) enables relative rotation between the screw shank and the washer 6 (or collar 34) – the two are not “coupled such that they rotate together around the longitudinal axis.” Markey merely discloses an ordinary washer, and does not teach or suggest coupling the washer 6 (or collar 34) to the shank so that it rotates together with the shank.

Moreover, it would not be obvious to modify a screw such as the one in Markey so that the washer is coupled to rotate together with the base body. In the Markey implementation, there is no apparent advantage to fixing the washer in such a manner, and one of skill in the art would not be

motivated to modify the disclosed screw in this manner. The problem presented in the present application is very specific to the electrical connection of a cable terminal to railway tracks, and would not be apparent to one of skill in the art starting from the Markey application, in which the screw is designed so that the washers or collars are free to rotate with respect to the screw shank.

For at least these reasons, claim 1 is allowable over the prior art of record. Claims 2-16 and 18-21 depend from claim 1 or recite similar limitations and are allowable for at least the same reasons.

Claims 22, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Markey. The rejection is respectfully traversed.

Similar to claim 1, independent claim 22 has been amended to recite “coupling the support element (7) to the base body (2) such that the support element (7) and the base body (2) rotate together around the longitudinal axis (L).” As described above, this feature is not disclosed in Markey. Accordingly, claim 22 is allowable for similar reasons that claim 1 is allowable.

Claim 22 is allowable for additional reasons as well. For example, claim 22 recites that “the coupling is achieved by pressing the strike head (4) against the support element (7) so as to form in the support element (7) an impression (8) having a polygonal shape of the strike head (4).” This is described, for example, at page 9, lines 11-18 of the specification. Markey does not teach or suggest a coupling that is achieved by creating in the support element an impression having a polygonal shape of a strike head. As illustrated in FIG. 1, Markey’s washer 6 is circular in shape, and does not have an impression at all, much less one having a polygonal shape of the strike head. Accordingly, claim 22 is allowable for this additional reason. Claims 24 and 25 depend from claim 22 and are allowable for at least the same reasons that claim 22 is allowable.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Markey. The rejection is respectfully traversed.

Claim 17 depends from claim 1 and includes all limitations of claim 1. As described above, Markey does not teach or suggest all features of claim 1, including “[a] support element (7) and [a] base body (2) [that] are coupled such that they rotate together around the longitudinal axis (L).” Accordingly, claim 17 is allowable for at least the same reasons that claim 1 is allowable.

Applicant notes that there was no specific reason given for the rejection of claim 23. Claim 23 depends from claim 22 and is allowable for at least the same reasons that claim 22 is allowable.

In view of the above, Applicant believes the pending application is in condition for allowance.

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